

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

TOBIE MELISSA KIRKLAND, )  
                                )  
Petitioner,                 )  
                                )  
v.                             )                           **CIVIL ACTION NO. 2:07cv759-MHT**  
                                )                           **[WO]**  
                                )  
UNITED STATES OF AMERICA, )  
                                )  
Respondent.                 )

**OPINION**

This litigation is now before the court on the recommendation of the United States Magistrate Judge entered on March 27, 2009 (Doc. 19), that petitioner's motion to vacate pursuant to 28 U.S.C. § 2255 be denied. After a review of the recommendation, to which petitioner did not object, and after an independent and de novo review of the entire record, the court believes that the recommendation should be adopted.

An appropriate judgment will be entered.

DONE, this the 24th Day of April, 2009.

/s / Myron H. Thompson  
**UNITED STATES DISTRICT JUDGE**